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ENVIRONMENTAL ASSESSMENT CHECKLIST

PART I. PURPOSE OF AND NEED FOR ACTION

1. Project Title: Rosebud East Fishing Access Site Proposed Improvements

2. Type of Proposed Action:

Montana Fish, Wildlife & Parks (FWP) proposes to construct an ADA-compliant, handicap-accessible fishing pier at Rosebud East Fishing Access Site (FAS) to accommodate the needs of handicap visitors to the popular and heavily used site.

3. Location Affected by Proposed Action:

Rosebud East FAS (Figure 1) is located on the Yellowstone River in Forsyth, Montana, ½ mile north of Interstate 94; Section 14 Township 6 North, Range 40 East; 46.53384 -105.13662.

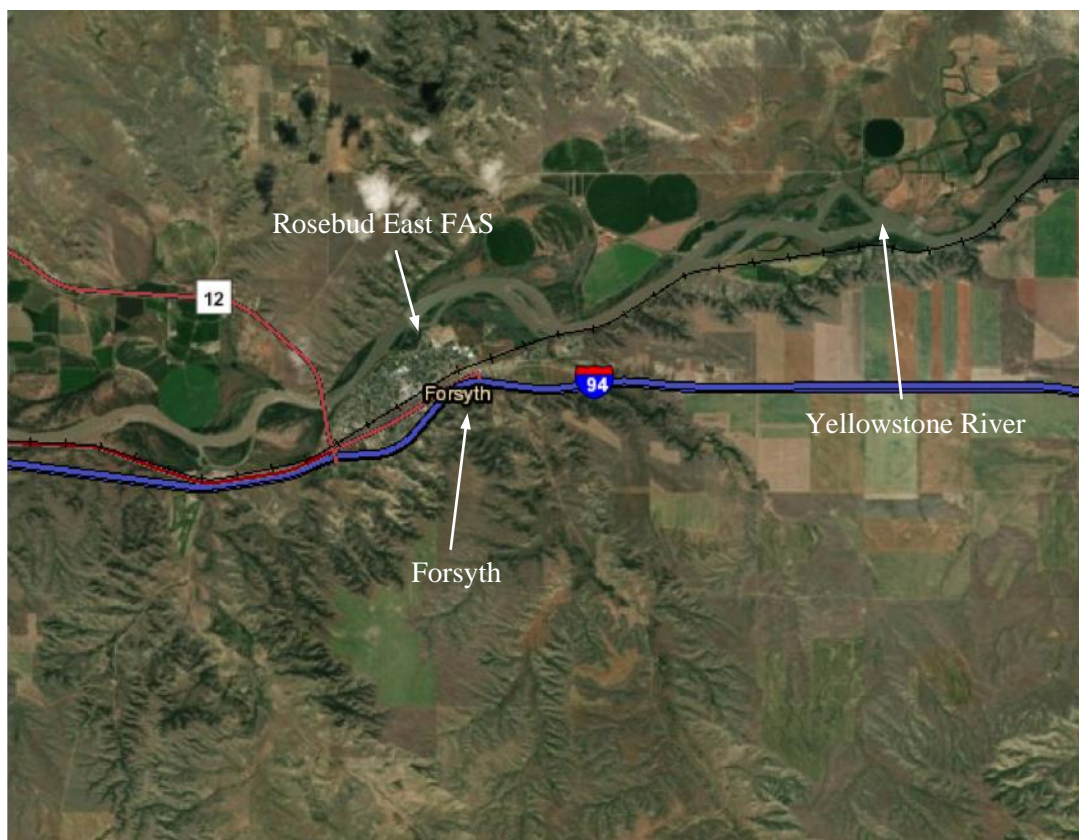


Figure 1 – General Location of Rosebud East FAS, Forsyth, Montana

4. Agency Authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs FWP to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection of fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guide public involvement and comment for improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule.

5. Need for the Action(s):

Rosebud East FAS, located on the Yellowstone River at Forsyth, Montana, was acquired in fee title in 1968. Existing facilities on the 29-acre FAS include: a singlewide concrete boat ramp; parking area; concrete vault latrine; staging area, Rosebud Fishing Access Road, and campground loop and campsites with picnic tables and fire rings (Figure 2).

Water-based recreation has become increasingly popular in Montana, resulting in an increased use of the Yellowstone River and Rosebud East FAS for angling, floating, boating, hunting, camping, wildlife viewing, dog walking, and picnicking. In addition, recreational opportunities available to the public along the lower Yellowstone River are limited, with only six fishing access sites on the 100 river mile stretch between Myers Bridge FAS (river mile 283) and Roche Jaune FAS (River mile 182) near Miles City. In addition, this stretch of the Yellowstone River consists of steep banks and difficult terrain making shore fishing difficult. As a result, facilities that accommodate handicap anglers are also limited. The proposed project, construction of a handicap-accessible fishing pier and concrete parking area and sidewalk, would provide recreational opportunities for handicap visitors to Rosebud East FAS and would be the only ADA-accessible fishing structure on the Yellowstone River in Region 7.

6. Objectives for the Action(s):

The objective of the proposed improvement project is to construct a handicap accessible fishing pier with a concrete sidewalk and parking area at Rosebud East FAS to accommodate handicap visitors at the popular Rosebud East FAS (Figure 3).

7. Project Size: estimate the number of acres that would be directly affected:

The proposed project involves the construction of a handicap-accessible fishing pier and ADA-compliant concrete sidewalk to the pier at Rosebud East FAS. The proposed project would affect approximately ¼-acres of the Rosebud East FAS.

8. Affected Environment (A brief description of the affected area of the proposed project):

Rosebud East FAS is located on approximately 29 acres and is owned in fee title by FWP. Some maps incorrectly identify the site as East Rosebud State Park. Floodplain maps of Rosebud County have not been updated, though it appears that approximately one quarter of the FAS is located within the Yellowstone River floodway with the remainder located within the 100-year floodplain. The majority of the 29-acre FAS is classified as *Riparian Lotic Forest (Rp1FO)* with a 1/2 –acre *Temporarily Flooded Freshwater Emergent Wetland (PEMA)*, a 1-acre *Seasonally Flooded Freshwater Emergent Wetland (PEMC)*, and a 1-acre *Scrub-*



Figure 2 - Rosebud East FAS and WMA Parcel Map, Forsyth, Montana

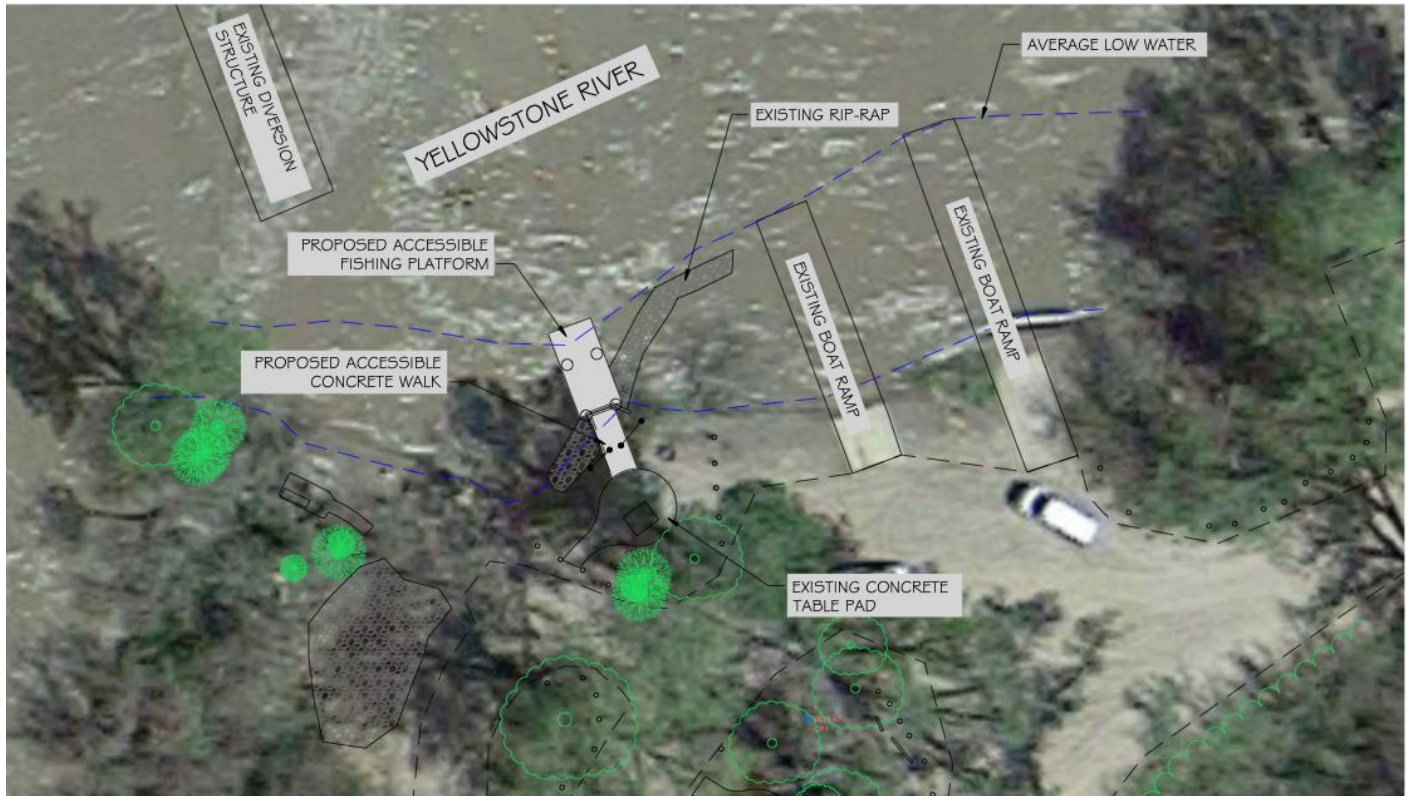


Figure 3 - Rosebud East FAS Preliminary Concept Plan, Forsyth, Montana

Shrub Riparian Area (RpSS) all located at least 1,000 feet from the project site, as defined by the Montana Natural Heritage Program (MNHP) Wetland Mapping Program. No wetland is located on the project site or would be disturbed during construction of the proposed fishing pier or proposed concrete parking area and sidewalk. The primary Ecological System on Rosebud East FAS, as defined by the MNHP, is *Great Plains Floodplain* and is dominated by plains cottonwood, chokecherry, snowberry, and various grasses, forbs and sedges. A search of the MNHP indicates occurrences of bald eagle (listed as DM by the US Fish and Wildlife Service (USFWS)) in the vicinity of the proposed project. Telemetry research conducted in 2019 by Montana Fish, Wildlife and Parks demonstrated one hatchery-released pallid sturgeon (listed as LE by USFWS) occupied the Yellowstone River approximately two river miles downstream from the proposed project. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the proposed project. The search indicated that great blue heron, greater sage-grouse, bobolink, loggerhead shrike, spiny softshell, plains hog-nosed snake, greater short-horned lizard, blue sucker, sauger, sturgeon chub, and paddlefish, Montana animal Species of Concern, have been observed in or near the proposed project site. Silver bladderpod and mat buckwheat, Montana plant Species of Concern, have also been observed in the vicinity of the proposed project. Though the USFWS identified interior least tern and whooping crane, (listed as LE by USFWS), as present in Rosebud County, these species have not been observed in the vicinity of Rosebud East FAS and the FAS does not

provide preferred habitat for these species. If the least tern or whooping crane are found to nest in the vicinity of the proposed project, construction would cease until the nesting season is over.

9. Description of Project:

FWP proposes to improve the handicap-accessibility of Rosebud East FAS by constructing an 8' X 28' handicap-accessible fishing pier, parking area, and concrete sidewalk to the fishing pier between the boat ramp and diversion dam (Figure 3). The pier would be constructed of steel and concrete material and connected to an adjacent existing concrete pad used as a picnic area. The pier rail system would be designed to be removable to prevent damaged from flood waters and ice events. FWP also has plans to construct an ADA parking area and concrete sidewalk to improve access to the pier. Rosebud East FAS was chosen as a suitable location for a fishing pier because the FAS is a popular and heavily-used site for angling and camping, with approximately 42,083 visitors in 2017. The site is also suitable because the upstream island and diversion dam provide protection from flooding, ice damage, floating debris, and fast-moving currents.

10. List any Other Local, State, or Federal Agency that has Overlapping or Additional Jurisdiction:

(a) **Permits:** Permits would be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Rosebud County	Floodplain Permit
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks	124 Montana Stream Protection Act
U.S. Army Corps of Engineers	404 Federal Clean Water Act

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Montana Fish, Wildlife & Parks Site Protection Fund	\$105,000

11. History of the Planning and Scoping Process, and Any Public Involvement:

The public would be notified in the following manners to comment on the Rosebud East FAS Proposed Improvement Project and the Proposed Action and alternatives:

- Two public notices in each of these papers: *the Forsyth Independent Press* and *the Helena Independent Record*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the FWP Region 7 Headquarters in Miles City and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 7 issues.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated. If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

12. Duration of comment period:

The public comment period will extend for (20) twenty days. Written comments will be accepted until 5:00 p.m., June 17th, 2019 and can be emailed to jhould@mt.gov or mailed to the address below:

Rosebud East FAS Proposed Improvement Project
Montana Fish, Wildlife & Parks, Region 7
Attn: Jamie Hould
P.O. Box 1630
Miles City, MT 59301

13. List of Agencies Consulted/Contacted During Preparation of the EA:

- Montana Fish, Wildlife & Parks
- Montana Natural Heritage Program
- State Historic Preservation Office
- Cartersville Irrigation District

14. Names, Address, and Phone Number of Project Sponsor:

Jamie Hould, FWP Region 7 FAS Program Manager, P.O. Box 1630, Miles City, MT 59301,
(406) 234-0945

15. Other Pertinent Information:

Rosebud East FAS (Yellowstone River mile 236) is one of only six FWP-managed FAS's in the 100-mile stretch between Myers Bridge FAS (river mile 282) 5 miles west of Hysham and Roche Jaune FAS (river mile 182) at Miles City and is a heavily used site for boating, floating, fishing, camping, picnicking, wildlife viewing, and walking. Other nearby FWP access opportunities include: Rosebud West FAS (river mile 237) and Far West FAS (river mile 223). FWP has sought a concurrence from the Montana State Historic Preservation Office (SHPO) that there is a low likelihood of adverse impacts to cultural resources resulting from construction of the proposed project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation. The lower Yellowstone River can be very unpredictable with flooding waters and ice jams resulting in ice and debris flowing down the river.

PART II. IDENTIFICATION OF THE PREFERRED ALTERNATIVES

Alternative A, the **Proposed Alternative**, and **Alternative B**, the **No Action Alternative**, were considered.

- **Alternative A (Proposed Alternative)** is as described in Part I, paragraph 9 (Description of Project), to construct a handicap-accessible fishing pier and concrete sidewalk at Rosebud East FAS. There are beneficial consequences to acceptance of the **Proposed Alternative**.
- **Alternative B (No Action Alternative)** Under the No Action Alternative, the expansion of the parking facilities and improvements to Rosebud East FAS would be denied and the area would remain as a FAS without the proposed improvements. The No Action Alternative would have no significant or potentially negative environmental impacts or

consequences. The FAS would continue with present conditions and the land use on the adjacent land would remain the same.

Description and analysis of reasonable alternatives (including the No Action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented: Only the proposed alternative and the No Action alternative were considered. There were no other alternatives that were deemed reasonably available, nor prudent. Neither the Proposed Alternative nor the No Action Alternative would have significant negative environmental or potentially negative consequences.

Describe any Alternatives considered and eliminated from Detailed Study:

None. Only the proposed alternative and the No Action alternative were considered. There was no other alternative that were deemed reasonably available, or prudent. Neither the **Proposed Alternative** nor the **No Action Alternative** would have significant negative environmental or potentially negative consequences.

List and explain proposed mitigating measures (stipulations): None

PART III. ENVIRONMENTAL REVIEW

Abbreviated Checklist – The degree and intensity determines extent of Environmental Review. An abbreviated checklist may be used for those projects that are not complex, controversial, or are not in environmentally sensitive areas.

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
1. Unique, endangered, fragile, or limited environmental resources				X		1
2. Terrestrial or aquatic life and/or habitats				X		2
3. Introduction of new species into an area				X		3
4. Vegetation cover, quantity & quality				X		4
5. Water quality, quantity & distribution (surface or groundwater)				X		5
6. Existing water right or reservation				X		6
7. Geology & soil quality, stability & moisture				X		7
8. Air quality or objectionable odors				X		8
9. Historical & archaeological sites				X		9
10. Demands on environmental resources of land, water, air & energy				X		10
11. Aesthetics				X		11

1. No designated critical habitat for any wildlife species is located near the proposed project. According to the MNHP, observations of bald eagle (listed as DM by the USFWS) have been recorded in the vicinity of the proposed project. Telemetry research conducted in 2019 by Montana Fish, Wildlife and Parks demonstrated one hatchery-released pallid sturgeon (listed as LE by USFWS) occupied the Yellowstone River approximately two river miles downstream from the proposed project. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the proposed project.

2. The proposed project would have only minor and short-term impacts on wildlife and

native plant species. Resident or transient wildlife may temporarily leave the area during construction but would return upon project completion.

3. No new animal or plant species would be introduced to the site as a result of the proposed project.

4. The elimination of the small amount of vegetation for the construction of the fishing pier and concrete sidewalk would not change the overall abundance and diversity of plant species within the area. The proposed project occupies a small portion of the property and the site has been disturbed by heavy recreational use for years. Therefore, the proposed project would have no or minor impact on native vegetation in the area.

5. The proposed project would have minor or no impact on water quality, quantity, and distribution. Construction of a designated parking area may alter surface runoff. However, the Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns and FWP *Best Management Practices* would be followed.

6. The proposed project would have no impact on water rights or reservation.

7. The proposed project would cause limited displacement of soils, but the developments would not substantially affect geological features or establish new erosion patterns. Soil disruption during construction would be localized. Erosion control measures would be in effect and disturbed area would be reseeded.

8. Minor and temporary dust and vehicle emissions would be created by construction equipment during construction. However, the construction time is short and human effects would be limited due to the sparse population near the property.

9. This project uses no federal funds, so the Federal 106 Regulations do not apply. FWP obtained a concurrence from SHPO that it is unlikely that there would be adverse impacts to cultural resources from the proposed project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

10. The proposed project would have minor or no impact on demands of environmental resources of land, water, air & energy.

11. Because the area is already used as a FAS and the project area is small, the proposed project would have no additional impact on the aesthetics of the area.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
1. Social structures and cultural diversity				X		1
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		2
3. Local and state tax base and tax revenue				X		3
4. Agricultural production				X		4
5. Human health				X		5
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational activities		X Positive				7
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution & density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

1. The proposed project would have no impact on social structures and cultural diversity.

2. The proposed project would have no impact on existing public benefits provided by wildlife populations and/or habitat.

3. The proposed project would have no impact on local and state taxes and tax revenues.

4. Though the FAS is surrounded by agricultural land used for grazing and hay production, the site has not been in agricultural production since 1977.

5. The proposed project would have no impact on human health and would improve public safety.
6. The proposed project would have no impact on quantity & distribution of community & personal income.
7. The proposed developments would improve recreational opportunities within the community by increasing parking capacity, improving boat-launching facilities, and improving the ADA-accessibility of the FAS facilities.
8. The proposed project would have no impact on locally adopted environmental plans & goals (ordinances).
9. The proposed project would have no impact on distribution & density of population and housing.
10. The proposed project would have no impact on demands for government services.
11. The proposed project would have no impact on industrial and/or commercial activity.

PART IV. NARRATIVE EVALUATION AND COMMENT

All of the pertinent or potential impacts of the project have been reviewed, discussed, and analyzed. The proposed project is not complex, controversial, or located in an environmentally sensitive area. The project being implemented is located on an existing FAS or altered areas that together with the insignificant environmental effects of the proposed action, indicates that this should be considered the final version of the environmental assessment. There are no significant environmental or economic impacts associated with the proposed alternative.

PART V. ENVIRONMENTAL CONSEQUENCES

Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur? No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant? Individually, the proposed actions have minor impacts. However, it was determined that there are no significant or potentially significant cumulative impacts. Cumulative impacts have been assessed considering any incremental impact of the proposed action when they are combined with other past, present, and reasonably foreseeable future actions, and no significant impacts or substantially controversial issues were found. There are no extreme hazards created with this project and there are no conflicts with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan.

Recommendation and justification concerning preparation of EIS:

There are no significant environmental or economic impacts associated with the proposed alternative; therefore, an EIS is not required.

PART VI. EA CONCLUSION SECTION

Individuals or groups contributing to, or commenting on, this EA:

- Jamie Hould, Region 7 FAS Program Manager, P.O. Box 1630, Miles City, MT 59301, (406) 234-0945
- MT Fish Wildlife and Parks

EA prepared by:

Andrea Darling, Darling Natural Resource Consulting, Montana City, MT 59634

Date Completed:

April 17, 2019